

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SENSORMATIC ELECTRONICS
CORPORATION

Plaintiff,

v.

WG SECURITY PRODUCTS, INC.
and
EAS SENSORSENSE, INC.,

Defendants.

Civil Case No. 2-04-CV-167

JURY DEMANDED

SENSORMATIC'S MOTION IN LIMINE TO EXCLUDE ITS PRIVILEGE LOGS

The plaintiff, Sensormatic Electronics Corporation (“Sensormatic”), hereby moves in limine for an order excluding the use of its privilege and redaction logs at trial. The defendants, WG Security Products, Inc. and EAS Sensorsense, Inc. (collectively “WG”) have separately listed as trial exhibits, “Sensormatic’s First, Second & Third Privilege and Redaction logs,” and “Plaintiff’s Privilege Logs, Redaction Logs and Lists of Persons Named Therein.”¹ Exh. A at 16, 18.

There is no relevance to these logs. Moreover, the Court currently has before it a motion by WG challenging the privilege of certain documents on the logs. Dkt. #116. Therefore, to the extent any of those documents are deemed to not be privileged, the Court will make that determination prior to trial. As to the majority of documents which WG has not challenged, or to the extent the Court disagrees with WG’s motion, the

¹ Sensormatic cannot identify the documents by exhibit number because Defendants have not provided any exhibit numbers for their proposed trial exhibits. *See* Exh. A at 12-30.

documents remain properly privileged. WG should not be permitted to present Sensormatic's privilege and redaction logs to the jury to suggest otherwise. This would be highly prejudicial to Sensormatic. As a result, documents identified on WG's trial exhibit list as "Sensormatic's First, Second & Third Privilege and Redaction logs," and "Plaintiff's Privilege Logs, Redaction Logs and Lists of Persons Named Therein" should be excluded.

Dated: May 19, 2006

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on May 19, 2006. Therefore, this document was served on all counsel who are deemed to have consented to electronic service:

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